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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Brenda Whittaker,

10 Plaintiff,

11 v.

12 Paul Moss Insurance Agency LLC,

13 Defendant.  
14

No. CV-22-08077-PCT-SMB

**ORDER**

15 The Federal Rules of Civil Procedure and the Local Rules of Civil Procedure  
16 apply to all proceedings in this case. Pursuant to Rule 4(m) of the Federal Rules of Civil  
17 Procedure, you must serve each Defendant in your case with the Summons and  
18 Complaint **within 90 days** from the date the Complaint is filed, unless you obtain a  
19 waiver of service pursuant to the requirements of Fed. R. Civ. P. 4(d). If, for good  
20 reason, you cannot serve your Summons and Complaint on a Defendant within 90 days,  
21 you may, prior to the expiration of the 90-day period, file with the Court a request for an  
22 extension of time in which to serve your Summons and Complaint. In that request, you  
23 should set forth the reason why you have not accomplished service and request a specific  
24 short period of time in which to accomplish such service on any Defendant. If the Court  
25 believes your reason constitutes “good cause” it will authorize a brief additional period in  
26 which you can the serve the Defendant.

27 If you do not obtain an extension and any Defendant named in your Complaint is  
28 not served within 90 days, the Court is obliged, after notice to you, to dismiss the

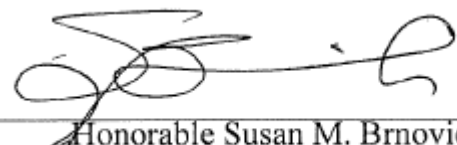
1 Complaint without prejudice (meaning that your Complaint is dismissed but you may  
2 refile the Complaint in a new action if you wish to do so).

3 The only way that the Court knows that you have served the Defendant is that, the  
4 person who serves the Defendant with the Summons and Complaint is required,  
5 according to the rules, to file an affidavit with the Court which proves that the Defendant  
6 was served in compliance with Fed. R. Civ. P.4(l). Therefore, you need to be sure that,  
7 prior to 90 days from the date on which you filed your Complaint, whoever serves the  
8 Summons and Complaint on each Defendant files an affidavit with this Court  
9 demonstrating that they accomplished proper service.

10 **THIS CONSTITUTES YOUR NOTICE UNDER RULE 4(m) THAT IF YOU**  
11 **HAVE NOT APPROPRIATELY SERVED ANY DEFENDANT WITHIN 90 DAYS**  
12 **FROM THE FILING OF YOUR COMPLAINT THAT DEFENDANT WILL BE**  
13 **DISMISSED WITHOUT PREJUDICE FROM YOUR LAWSUIT.**

14 **IT IS HEREBY ORDERED** directing the Clerk of Court to terminate any or all  
15 Defendants in this matter, without further notice, that have not been served within the  
16 time required by Fed. R. Civ. P. 4(m) on **August 1, 2022.**

17 Dated this 3rd day of May, 2022.

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23 Honorable Susan M. Brnovich  
24 United States District Judge  
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